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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,393	02/27/2004	Shuji Yamashita	15115/106001	4915
22511 7590 04/14/2008 OSHA LIANG L.L.P. 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010				
EXAMINER				
LABBEES, EDNY				
ART UNIT		PAPER NUMBER		
2612				
NOTIFICATION DATE		DELIVERY MODE		
04/14/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com  
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**Office Action Summary****Application No.**

10/789,393

**Applicant(s)**

YAMASHITA ET AL.

**Examiner**

EDNY LABBEES

**Art Unit**

2612

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Status Of Claims*

1. In the response filed 2/12/2008, no new claims has been added or canceled. Therefore, claims 1, 3 and 4 are currently pending in the application.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 and 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Hara (US 2002/0025823).

Regarding Claim 1, Hara discloses *Radio System* that has the following claimed limitations:

The claimed mobile unit carried by a driver is met by portable device (See Fig. 1a, 1b and paras [0059]); claimed vehicle unit mounted on a vehicle, the vehicle unit comprising a plurality of transmission antennas is met by stationary device (20) comprising a plurality of stationary-device antennae (24 and 25); claimed mobile unit sequentially receives signals transmitted from at least a first and a last transmission antennas from the plurality of transmission antennas is met by the control circuit (21a)

of the stationary device (20) of the stationary device (20) operates for determining the current position of the portable device (10) wherein communication that portable-device finding signals respectively containing different antenna identification codes that are concurrently or sequentially emitted from either of the cabin antennae (24 and 25). Although the system of Hara does not specifically state that the signals are transmitted from a first and last transmission antenna, it would have been obvious to one of ordinary skill in the art to readily recognize that since the signals can be transmitted sequentially, the signals can be transmitted from antenna (24) first and from antenna (25) last;

Claimed measure the reception intensities of the sequentially received signals, and then, after the mobile unit completes the reception intensity measurement of the last transmission antenna, transmits an ID portion for storing intrinsic identification information of the mobile unit and all reception intensity information of the sequentially received signals as one response signal to said vehicle unit is met by the system of Hara where when the portable device, wirelessly receives a request signal from the stationary device (20), it sends to the stationary device an answer signal. The answer signal contains a control mode, which is one of the authentication codes. When a portable-device finding signal from the stationary device (20) is received by the portable-device side communication means, the portable device sends (returns) a portable-device finding answer signal to the stationary device by the portable device communication means. The portable-device finding answer signal to the stationary device by the portable device communication means. The Portable-device finding answer signal contains reception intensity data detected by the reception intensity

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measuring means and antenna identifying codes contained in the received portable-device finding signal (see paras [0062]). As indicated before, the portable-device finding signal is sent from the portable device (10). The signal contains pertinent information, such as reception intensity measurement data and identifying codes.

Also as indicated above, the vehicle device (20) comprises antennas (24 and 25) that sends a request signal to the portable device (10) from the antennas (24 and 25) either sequentially or concurrently (See paras [0072]). The portable device (10) receives that signal and in turn sends a portable-device finding answer signal to the vehicle device (20). Since the portable-device finding answer signal contains reception intensities of the antennas, it would have been obvious to one of ordinary skill in the art to readily recognize that the signals sent from the portable device, that contains the reception intensity data, are all sent back as one signal, **the portable-device finding answer signal**, which includes the reception intensities and the antenna identification codes of the antennas (24 and 25) (See paras [0071 0072 0062]).

Claimed vehicle unit locates the mobile unit on the basis of the reception intensity information transmitted from the mobile unit, and executes an arbitrary processing action according to the location of the mobile unit is met by the system of Hara where every time the portable device (10) receives the portable-device finding signals containing antenna identifying codes received from the cabin antennas (24 and 25), reception intensity data of the portable-device finding signal containing the antenna identifying code and the condition codes, which are contained in the portable-device finding signal received are returned by the portable-device side communication means

(See paras [0077]). Thereafter, the control circuit (21a) of the stationary device (20) judges to find a position area, which the portable device (10) is located therein, from those, position areas being present as viewed in the getting-on and off direction of the motor vehicle 1, based on the basis of the reception intensity data (see paras [0078]). Furthermore, a execution of door locking/unlocking is determined based on the codes and reception intensities (See paras [0078-0083]).

Regarding Claim 3, the claim is interpreted and rejected as claim 1 stated above. In addition, claimed arbitrary processing action is an operation to locking of a door is met by the system of Hara where the controlled object includes a lock device for locking and unlocking the vehicle door and/or other devices (see paras [0032]). In addition, the locking/unlocking of the door is performed when the portable device (10) approaches either the driver seat side ( $P_{\{D\}}$ ) or the assistant driver's seat side ( $P_{\{A\}}$ ) (see Fig. 2 and paras [0074]).

Regarding Claim 4, claimed signals other than that transmitted at first are only used for the measurement of the reception intensities of said mobile unit is met by the portable device finding answer signal representative of the reception signal to the stationary device (20). The signals transmitted at first are the wake-up signal and not the ones used to measure the reception intensities (see Fig. 1B). In addition, Hara discloses a system where the cabin antennae (24 and 25) are used for the wake-up signal transmission (power transmission) and the normal signal transmission/reception (wireless communication by using the communication frequency already referred to). If required, an antenna exclusively used for the normal signal transmission/reception and

another antenna exclusively used for the power transmission may be used separately (see paras [0066]). One of ordinary skill in the art would readily recognize to use different antennas to perform the function transmitting the wake signal and the function of measuring the reception intensities.

### ***Response to Arguments***

4. Applicant's arguments, see page 3, filed 2/12/2008, with respect to the rejection(s) of claim(s) 1, 3 and 4 under Hara (US 2002/0025823) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hara (US 2002/0025823). Applicant, indicated in the remarks that Hara fails to disclose limitation that states "...after the mobile unit completes the reception intensity measurement of the last transmission antenna, transmit and ID portion for storing the intrinsic identification information of the mobile unit and all reception intensity information of the sequentially received signals as one response signal to said vehicle unit." In the previous office action, examiner stated that the limitation was merely a design choice due to fact, that they perform the desired functionality. Examiner admits the erroneous interpretation. However, after further consideration of the reference, Hara do disclose applicant's claimed limitation, stated above.

Hara discloses a system where the portable device, wirelessly receives a request signal from the stationary device (20), it sends to the stationary device an answer signal. The answer signal contains a control mode, which is one of the authentication

codes. When a portable-device finding signal from the stationary device (20) is received by the portable-device side communication means, the portable device sends (returns) a portable-device finding answer signal to the stationary device by the portable device communication means. The portable-device finding answer signal to the stationary device by the portable device communication means. The Portable-device finding answer signal contains reception intensity data detected by the reception intensity measuring means and antenna identifying codes contained in the received portable-device finding signal (see paras [0062]). As indicated before, the portable-device finding signal is sent from the portable device (10). The signal contains pertinent information, such as reception intensity measurement data and identifying codes.

Also as indicated above, the vehicle device (20) comprises antennas (24 and 25) that sends a request signal to the portable device (10) from the antennas (24 and 25) either sequentially or concurrently (See paras [0072]). The portable device (10) receives that signal and in turn sends a portable-device finding answer signal to the vehicle device (20). Since the portable-device finding answer signal contains reception intensities of the antennas, it would have been obvious to one of ordinary skill in the art to readily recognize that the signals sent from the portable device, that contains the reception intensity data, are all sent back as one signal, **the portable-device finding answer signal**, which includes the reception intensities and the antenna identification codes of the antennas (24 and 25) (See paras [0071 0072 0062]).

### ***Conclusion***



5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDNY LABBEES whose telephone number is (571)272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edny Labbees  
4/1/2008

/Davetta W. Goins/  
Acting SPE of Art Unit 2612